

REMARKS

Claims 1-6, 8-15 and 18 are pending in the application.

Claims 1-6, 8-15 and 18 have been rejected.

No Claims have been amended.

I. **REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1-6, 8, 12-15 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith (U.S. Patent Application Publication No. 2002/0042277) in view of Zonoun (WO 02/33897). Claims 9-11 were rejected under 35 U.S.C. § 103 as being unpatentable over Smith in view of Zonoun and further in view of Takeda (U.S. Patent No. 7,286,520). The rejections are respectfully traversed.

In response to Applicant's notice of appeal and pre-appeal brief, the prior office action was withdrawn and the prosecution reopened. Now, the current Office Action relies on the same references, but apparently a different rationale relying on different elements disclosed in Smith. However, Applicant respectfully submits that the present Office Action still fails to establish a *prima facie* case of obviousness.

The present Office Action argues now that Smith (and not Zonoun) discloses the first claim element – receiving a request message from the multimedia server in response to the multimedia server receiving “an emergency request message” from user equipment (UE). Office Action, pages 2-3. Under this rationale, the Office Action interprets Smith's SSIC 61 as the “multimedia server” and the Company Representative 81 as the “user equipment.”

Next, and though somewhat ambiguously, the Office Action appears to assert that *the SSIC 81 sends a location request to the HLR 67*, and the HLR 67 obtains from the location register (from itself, See Figure 1) location information for all the mobile units in the system. However, the Office Action appears to ignore that it previously identified the SSIC 81 as the “multimedia server” that sends out the first request message to another entity. Thus, for this claim phrase (communicating a location request in response to receiving the first request message), the HLR 67 must be interpreted

as the entity that receives the first request message from the multimedia server. But, the Office Action also interprets the HLR 67 as the entity communicating the location request and receiving location information of the UE (that sent the emergency request message). This is clearly an incorrect interpretation of Smith, and this rejection is not well-taken. In fact, the new rejection fails in similar fashion as the prior rejection, but this time, Smith fails to disclose all the claim elements as professed in the Office Action, and the rejection is not well-taken. Based on this alone, the 103 rejections should be withdrawn.

In addition, in order for the Office Action's rationale to be even remotely logical, Smith's Company Representative 81 (which is interpreted as the UE) must be the UE for which the location information is desired. See, Claim 1. This is the correct analysis because in Claim 1, the element recites "the location response comprising location information of the UE." It does not appear that the Company Representative 81 is the specific UE for which the Company Representative 81 is requesting location information or is requesting from the HLR its own location. While that may be "a possibility," Smith does not disclose or teach this. Instead, Smith teaches that the Company Representative 81 may want to track its drivers (not itself). See, Smith, paragraph [0043].

Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejections of Claims 1-6, 8-15 and 18.¹

II. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

¹ Neither Zonoun or Takeda appear to cure the noted deficiencies in Smith or the Office Action's rationale.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

Munck Carter, LLP

Date: 8/11/2011


Robert D. McCutcheon
Registration No. 38,717

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *rmccutcheon@munckcarter.com*